United States Court of Appeals

for the Second Circuit

APPELLEE'S BRIEF

75-1191

To be argued by
CARL M. BORNSTEIN

United States Court of Appeals

FOR THE SECOND CIRCUIT

Docket No. 75-1191

UNITED STATES OF AMERICA,
Appellee,

—v.—

QUINTEN WENDELL SKIPWITH,
Defendant-Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

BRIEF FOR THE UNITED STATES OF AMERICA

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BRIEF FOR THE UNITED STATES OF AMERICA

Preliminary Statement

Quinten Skipwith appeals from a judgment of conviction entered on April 28, 1975, in the United States District Court for the Southern District of New York, after a five day trial before the Honorable Dudley B. Bonsal, United States District Judge, and a jury.

Indictment 74 Cr. 820, filed August 21, 1974, charged Skipwith with conspiracy to obstruct State law enforcement, in violation of Title 18, United States Code, Section 1511, and operating an illegal gambling business, in violation of Title 18, United States Code, Section 1955.

The trial began on March 6, 1975, and concluded on March 13, 1975, when the jury acquitted Skipwith on Count One and found him guilty on Count Two.

On April 28, 1975, Judge Bonsal sentenced Skipwith to two years imprisonment and a $10,000 committed fine. Execution of all but six months of the prison sentence was suspended, and Skipwith was placed on probation for a period of two years after completing the six months in prison.

Skipwith was released on his own recognizance pending disposition of this appeal.

Statement of Facts

The Government's Case

The evidence at trial established that from October 15, 1970 * to December 31, 1971 Quinten Skipwith owned, directed and managed an illegal gambling business in violation of Title 18, United States Code, Section 1955. Broadly, the proof fell into two categories: the testimony of six admitted gamblers from the City of Newburgh, New York, each of whom had known Skipwith for many years, and numerous gambling records which were seized by the New York State Police in May, 1972 and subsequently analyzed by an expert Special Agent of the Federal Bureau of Investigation's Laboratory Division.**

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* Though the indictment alleged June 1, 1970 as the starting date in both counts, the predicate statutes, Sections 1511 and 1955 of Title 18, United States Code, did not become effective until October 15, 1970. Judge Bonsal conformed his charge to reflect this (Tr. p. 551, 621) and allowed the jury to consider proof of events prior to the effective dates of the statutes under the authority of *United States* v. *Fino*, 478 F.2d 35, 38 (2d Cir. 1973), *cert. denied*, 417 U.S. 918 (1974).

** In addition, the jury had before it the testimony of Skipwith's two unindicted co-conspirators, former Newburgh police officers Humbert Cappelli and Anthony Paonessa. Both men testified to their corrupt relationship with defendant which included admissions by Skipwith regarding his continuing illegal gambling enterprise but without specifics concerning the number of participants or their identity (Tr. 202, 204-205, 207, 360, 362-63, 412, 414).

1. The Gamblers

James "Pickles" Williams, a friend of Skipwith's for almost 40 years, testified that he had known Skipwith as "Red" and that he had worked for him in the "numbers" for 20 years (A117-18).* Williams stated that at the time of his last arrest in February, 1971 ** he was the "boss" for Skipwith and explained that this work entailed collecting betting slips and money from at least seven "writers" *** on a daily basis (A119-20). Among those people were William Griffin, Louis Wilkins and George Davis (A121). Williams testified that after collecting the betting records from these several writers he was responsible for paying off the smaller winning bets which he determined from the newspapers (A121). When larger bets won, however, Williams would advise Skipwith, whom he saw almost every day and who assumed responsibility for making those payments himself (A120, 122). When arrested in February, 1971, Williams was receiving a $300 weekly salary from Skipwith for his supervision of the gambling business. Williams also testified that he performed his work from his home which he rented from Skipwith (A123). After the arrest, however, he stopped working for Skipwith though they discussed the possibility of his starting again several times (A122).

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* Parenthetical references prefixed "A" are to the pages of the joint appendix. References to "Tr." are to the pages of the trial record which were not included in the appendix.

** It was stipulated that the arrest of James Williams also known as "Pickles", George Davis and Louis Wilkins at the premises of 28 Smith Street, Newburgh, New York occurred on February 4, 1971 (Tr. 368-69).

*** A numbers writer or runner is that individual who takes bets from the numbers players. Each customarily has his own customers who bet with the writer on a regular basis. The writer passes his betting records (also known as "work" or "action") and the moneys he receives over to a "controller" who supervises a group of writers (A197-98).

George Davis, a resident of Newburgh, New York, for some 37 years (A33), and apparently motivated by his good friendship with Skipwith (A46, 49), who, on one occasion, co-signed a note for him (A40), was somewhat evasive in his testimony. He admitted that he had been a numbers writer from approximately 1966 until 1973 (A36, 41-42) and usually turned the records of the bets he accepted over to James Williams during that time (A41, 44-45). He was initially vague about whether he was turning his policy records over to Williams in the winter of 1970 and in the spring of 1971 (A83) but when confronted with the fact of his arrest in Williams' apartment on February 4, 1971, ultimately conceded that he and Louis Wilkins had turned their betting records over to Williams on that day (A42-44). Davis then testified that during 1970 and 1971, Williams decided the amount of his commission on the bets he wrote (A46) and also furnished him with the moneys to be paid to the winning players (A47). Though Davis admitted having discussed numbers writing with Skipwith several times (A36), he attempted to exonerate the defendant in all other respects. When confronted with his prior grand jury testimony which incriminated Skipwith and which contradicted his testimony at trial, Davis claimed that he could not remember having made two of the statements before the grand jury (A47, 48), and flatly denied having made two others (A36-38, 53-54). Subsequently, through the testimony of the grand jury reporter who recorded Davis' grand jury testimony, the following excerpts from his testimony were admitted into evidence and read to the trial jury (A143-144):

> "Q. Some time in 1970 to some time in 1973 were you a writer for Red Skipwith? A. Yes."
>
> * * * * *
>
> "Q. How much did Mr. Skipwith give you on a dollar bet if one of the people that you wrote a number for won? A. $450."
>
> * * * * *

"Q. Towards the end of the time when you were working for Mr. Skipwith, what was the average amount of money that you took in a day for policy bets? A. I averaged anywhere from $60 to $75 a day."

* * * * *

"Q. Would you turn your policy action over to another individual or would you give it directly to Mr. Skipwith? A. It varied. Sometimes you have to give it to another writer and sometimes you had to give it to him.

Q. But on many occasions you gave the policy action directly to him? A. Yes."

Louis Wilkins, another friend and former employee of the defendant (A73), testified that he had been writing numbers for a two or three month period prior to being arrested with Davis and Williams on February 4, 1971 (A67). Wilkins testified that during that time, including February 4, 1971, he made a record of the bets placed with him and turned these records over to Williams on a daily basis. Williams, who Wilkins thought was the "boss" (A78), furnished the moneys to be paid to winning bettors (A71), and all of Wilkins' dealings concerning the numbers game were with him (A72).

Melvin Allen, another long-standing friend of the defendant (A2, 13) testified that he had "written numbers" for Skipwith (A5) but was initially uncertain as to when he had done so. At first, he claimed it was in early 1972 (A5) but after having his memory jogged (A8-9, 12-13), stated his work for Skipwith began in 1971 (A11-14, 19, 27-28). In explanation, Allen testified that prior to 1970 and 1971 he had engaged in numbers writing for his father for several years, exclusive of a four-year period from 1966 to 1970, when he was working for IBM. Upon leaving IBM, Allen bought a grocery store in Newburgh, New York, and shortly after that resumed his numbers writing activity in association with Skipwith (A8-9, 11-12, 15, 24).

Allen further testified that when he decided to re-enter the numbers business at that time, he met with Skipwith who, in turn, sent him to see Williams (A12-13).* Williams determined Allen's commission (A16) and Allen, thereafter, delivered his betting records to and received moneys from Williams through a "runner" named William Griffin (A19-22). Sometimes, Allen also stated, he gave his betting records directly to Williams (A22) and, later on, occasionally to George Davis (A25-26).

William Griffin, a former employee in Skipwith's defunct taxi business (A94), acknowledged that he had been writing numbers from 1969 to 1973 (A84). Griffin denied any link between this activity and Skipwith but stated that during 1970 and 1971, "Pickles" (Williams) was his boss, determined the percentage of his commission, and took the betting records and moneys from him at the house on South Street (A86, 89-91, 93). Additionally, Griffin acknowledged that he had been arrested with Willie Crews in Ben's Barber Shop in May, 1972. Though he denied actual possession of the gambling records found therein at the time, he admitted knowing the records were in the store and that he subsequently pleaded guilty to charges stemming from that arrest (A87-88).

Willie Crews, the proprietor of Ben's Barber Shop on Liberty Street in Newburgh, New ork, testified to the circumstances of his arrest in those premises in May, 1972. His testimony concerning this did not incriminate the defendant.**

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* Later in his testimony Allen stated he "just went to see Jim Pickles and told him to have somebody stop by and pick up my numbers slips." (A24).

** As is apparent throughout the record, all of the gamblers, with the exception of Williams, were, at the very least, reluctant if not actually hostile witnesses for the Government. All were granted immunity before testifying (Tr. 28, 38-42) and the extent of their familiarity with defendant and his counsel (Tr. 35-36) was captured by defense counsel when he referred to them as "my individuals" during his summation (Tr. 600).

2. The Gambling Records

Senior Investigator Joseph Tripodo of the Bureau of Criminal Investigation of the New York State Police testified to the possession of gambling records by Skipwith, Griffin and Crews in May, 1972. Mr. Tripodo stated that during April and May, 1972, he was conducting a gambling investigation in Newburgh, New York (A145) as a result of which he was able to obtain search warrants for the premises of 126 Dubois Street and the premises of Ben's Barber Shop on Liberty Street.

On May 12, 1972, Tripodo entered the premises of 126 Dubois Street, and, after finding Skipwith in the basement of the building, seized numerous slips of paper that weer on a table nearby (A149-151; GX 27).

On May 15, 1972, Tripodo searched the premises of Ben's Barber Shop on Liberty Street (A152). In the back room of the shop he found William Griffin and Willie Crews (A152). From Griffin Tripodo seized a brown paper bag containing numerous slips with written notations (A153-54; GX 28). Tripodo also confiscated other records which were on top of and inside a desk at which Crews was sitting when Tripodo entered the back room (A156; GX 29). Lastly, records taken by Tripodo from a garbage can in the rear room were received as Government's Exhibit 30 (A157).*

The description, analysis and comparison of the various records was provided by Special Agent T. C. Whitcomb, Jr., Unit Chief of gambling operations for the Laboratory Division of the Federal Bureau of Investigation, who was accepted by the Court as an expert in the fields of illegal gambling and document examination (A195).

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* Hereinafter, Government Exhibits 27, 28 and 29 will be referred to as Skipwith's, Griffin's, and Crews' records, respectively, in conjunction with the parenthetical reference (GX).

Each group of records (GX 27-30) were described by Agent Whitcomb as consisting of gambling wagering slips kept on a "writer's" level (A204, 205, 208, 209) and Skipwith's papers (GX 27) were found to contain records kept by a "controller" of a numbers operation (GX 27E; A264). Additionally, Whitcomb stated that the identities of at least 30 writers were reflected in Skipwith's records alone (GX 27; A204).

The nexus between Skipwith's records (GX 27) and Crews' records (GX 29) was based upon a comparison of slips found in each Exhibit. More specifically, two slips of paper in Crews' records (GX 29A) were found to be carbon copies of original slips that were among Skipwith's records (GX 27A; A205-06). Upon this finding, Agent Whitcomb concluded that Skipwith's records (GX 27) and Crews' records (GX 29) related to the same numbers operation (A206, 207). Further examination revealed two slips of paper in Crews' records (GX 29B) bearing date notations of December 6, 1971 and March 16, 1971 (A206-207) and in light of this Agent Whitcomb concluded that the gambling business reflected by Skipwith's and Crews' records had been operating during 1971 (A207, 208).

Similarly, Griffin's records (GX 28) were found to relate to the same gambling business as Skipwith's papers (GX 27). According to Agent Whitcomb, three slips in Skipwith's records (GXs 27B, 27C, 27D) were found to contain handwriting and codes which individually matched those reflected on three slips in Griffin's records (GX 28A, 28C, 28B) (A209-213).

Finally, based upon the locations in which all of the records were found, and the handwriting and document analysis he had performed, Agent Whitcomb concluded that all of the records (GX 27-30) related to the same gambling operation (A215).

The Defense Case

Skipwith offered no evidence.

ARGUMENT

POINT I

Evidence of Skipwith's possession of gambling records in 1972 and of his conviction for violation of New York Gambling Laws in 1972 was properly received.

Relying on cases from the Fifth Circuit, *United States* v. *San Martin*, 505 F.2d 918 (1974) and *United States* v. *Goodwin*, 492 F.2d 1141 (1974), Skipwith contends that evidence of his 1973 conviction for a state gambling offense committed in May, 1972 was improperly admitted. In a similar vein, Skipwith contends that the gambling materials seized from him and others in May, 1972, were of no probative value to the offense charged in Count Two, which covered a period ending December 31, 1971. Neither contention has any merit whatsoever.

First, Skipwith, perhaps not surprisingly, cites no authority in this Circuit which in any way suggests that the gambling records and Skipwith's conviction for a gambling offense committed in 1972 were inadmissible. The law in this Circuit is settled that ". . . evidence of other crimes is admissible except when offered solely to prove criminal character", *United States* v. *Gerry*, Dkt. No. 74-2100 (2d Cir., March 28, 1975) slip op. at 2599, and such evidence is admissible in the Government's case in chief. *United States* v. *Torres*, Dkt. No. 74-2303 (2d Cir., July 2, 1975) slip op. at 4580. See also *United States* v. *Papadakis*, 510 F.2d 287, 294 (2d Cir. 1975), *cert. denied*, — U.S. —, 43 U.S.L.W. 3584 (April 28, 1975); *United States* v. *Brettholz*,

485 F.2d 483 (2d Cir. 1973), *cert. denied*, 415 U.S. 976 (1974). Whether the evidence offered is relevant and whether its probative value outweighs any prejudicial impact are matters exclusively for the sound discretion of the District Court save in cases of grave abuse. *United States* v. *Gottlieb*, 493 F.2d 987, 991-992 (2d Cir. 1974); *United States* v. *Campanile*, Dkt. No. 74-2160 (2d Cir., April 24, 1975), slip op. at 3115; *United States* v. *Ravich*, 421 F.2d 1196, 1204-1205 (2d Cir.), *cert. denied*, 400 U.S. 834 (1970). Here the evidence offered was clearly probative of the crime charged, not outweighed by prejudicial impact, and properly admitted.

The gambling reecords seized in 1972 were probative in numerous ways. The records seized from Crews in the back room of Ben's Barbershop recorded transactions which were also found in the betting slips seized from Skipwith himself just a few days before. The records seized at the barbershop from Griffin at the same time contained handwriting and bettor codes also found in the records earlier seized from Skipwith. Agent Whitcomb was able to conclude from his expert examination that the records seized from Skipwith, Crews and Griffin related to the same gambling business and that that business had been in operation in 1971, the period charged in the indictment; a conclusion confirmed by the testimony of Williams, who said that Griffin was one of the numbers writers he had supervised for Skipwith before Williams' arrest in February, 1971.* Thus, Skipwith's fundamental factual premise underlying his argument against the admissibility of the gambling records —that they did not relate in time to the illegal gambling business described in Count Two—fails.

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* Further evidence that Skipwith's illegal gambling business extended past the period charged was the grand jury testimony of Allen and Davis that each had written numbers for Skipwith from 1970-1973 (A5-6, A38, A143-144).

Second, even if the gambling records seized in 1972 had not been shown to relate to the period of operation of the illegal gambling business charged in Count Two, they would still have been admissible for several other reasons. The seizure of gambling records from Crews and Griffin at Ben's Barbershop and the determination that the records seized related to those found in Skipwith's possession a few days before were admissible to prove the offense charged as evidence of the existence of a gambling relationship between Skipwith, Griffin and Crews. *United States* v. *Vario,* 484 F.2d 1052, 1056-1057 (2d Cir. 1973), *cert. denied,* 414 U.S. 1129 (1974); *United States* v. *Garelle,* 438 F.2d 366, 368-370 (2d Cir. 1970), *cert. dismissed,* 401 U.S. 967 (1971). Further, even if the records had not been shown to relate to the time period specifically charged in the indictment, they would still have been properly received to establish the existence of the illegal gambling business during the period charged. *United States* v. *Super,* 492 F.2d 319, 323 (2d Cir. 1974); *United States* v. *Nathan,* 476 F.2d 456, 459-460 (2d Cir.), *cert. denied,* 414 U.S. 823 (1973). See also *Anderson* v. *United States,* 417 U.S. 211, 218-219 (1974). The jury would have been entitled to conclude from gambling material relating to the period just after that charged in Count Two that Skipwith, Griffin and Crews were ". . . continuing along the same line", *United States* v. *DeSapio,* 435 F.2d 272, 280 (2d Cir. 1970), *cert. denied,* 402 U.S. 999 (1971). In addition, the records seized from Skipwith alone in May, 1972, were determined by Agent Whitcomb to reflect the participation of 30 numbers writers, and the jury was entitled to conclude that a gambling network of such size could not have been created in just a few months in 1972, but rather that it had existed during the period covered in Count Two, a conclusion fortified by the Grand Jury testimony of Allen

and Davis, noted above at page 10, n. 1, that each had written numbers for Skipwith from 1970 to 1973.*

The argument Skipwith makes regarding admission of proof of his 1973 conviction in the New York Supreme Court for Orange County upon his guilty plea to promoting gambling (N.Y. Penal Law § 225.10).** is similarly unavailing. Evidence that Skipwith had admitted being involved in promoting illegal gambling on May 12, 1972, was relevant and probative of the illegal gambling business charged in Count Two. *United States* v. *Super, supra; United States* v. *Nathan , supra.**** *Cf. United States* v. *Knohl,* 379 F.2d 427, 438-439 (2d Cir.), *cert. denied,* 389 U.S. 973 (1967).

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* Skipwith also argues for the first time that "[a]s no proof was ever offered that the Exhibits remained untampered from the time of seizure in May, 1972, to the time of trial in March, 1975, they should not have been admitted in evidence." (Brief at 11). However, each exhibit was identified by Investigator Tripodo before its admission in evidence (A151, 153, 155, 157). In addition, Skipwith's unsupported claim now is foreclosed by his failure to raise it below, *United States* v. *Indiviglio,* 352 F.2d 276, 280-281 (2d Cir. 1965) (*en banc*), *cert. denied,* 383 U.S. 907 (1966), and, in any event, by the presumption that evidence in the custody of government officials is not tampered with. *United States* v. *Daughtry,* 502 F.2d 1019 (5th Cir. 1974); *United States* v. *Brown,* 482 F.2d 1226, 1228 (8th Cir. 1973); *O'Quinn* v. *United States,* 411 F.2d 78, 80 (10th Cir. 1969).

** It was stipulated that the offense related to Skipwith's activities on May 12, 1972 (Tr. 542).

*** Proof of this judicial admission by introduction of the judgment of conviction for the offense of promoting gambling (GX 31), a Class E felony under New York law, was entirely proper. *United States* v. *Vario, supra,* 484 F.2d at 1054-1055; *United States* v. *Guidarelli,* 318 F.2d 523 (2d Cir.), *cert. denied,* 375 U.S. 828 (1963); *United States* v. *Simmons,* 503 F.2d 835 (5th Cir. 1974); *United States* v. *Shadletsky,* 491 F.2d 677 (5th Cir.), *cert. denied,* 419 U.S. 830 (1974); *United States* v. *Jackson,* 344 F.2d 922, 923 (6th Cir.), *cert. denied,* 382 U.S. 880 (1965). Rule 803 (22) of the Federal Rules of Evidence.

Given the Court's thorough—and overbroad, *cf. United States* v. *Torres, supra, slip op.* at 4580—limiting instruction (A232) and the fact that the conviction arose from the seizure of gambling records from Skipwith on May 12, 1972, the subject of independent proof through Investigator Tripodo's testimony, Skipwith's claims of prejudice are insubstantial. *Cf., e.g., United States* v. *Gerry, supra,* slip op. at 2599-2600.*

POINT II

The evidence was more than sufficient to sustain Skipwith's conviction.

Confining himself to the testimony of the gambler-witnesses, and utilizing selective references to the record, Skipwith contends that the proof failed to demonstrate that his gambling enterprise was in substantially continuous operation in excess of thirty days or that five persons were involved at the same time. His claim is baseless and ignores the well established rule that on appeal the evidence now must be viewed in the light most favorable to the Government. *Glasser* v. *United States,* 315 U.S. 60, 80 (1942);

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* Skipwith claims that the Government needed neither the gambling records nor his gambling conviction to prove the offense charged in Count Two. This claim is particularly ironic in view of Skipwith's attack on the sufficiency of the evidence on this count in Point III of his brief, discussed *infra.* Moreover, while the Government made out a *prima facie* case on Count Two without this evidence, to have so limited the proof would have required exclusive reliance by the Government on the testimony of hostile and accomplice witnesses, and the jury's acquittal on Count One of the indictment suggests that it was unprepared to return a guilty verdict supported only by evidence of this sort. Moreover, proof that the illegal gambling business Skipwith operated continued through the end of 1971 and beyond was crucial to corroborate the testimony on Count One of the corrupt Newburgh policemen, Paonessa and Cappelli, since they swore that they had received protection payments from Skipwith until the end of 1971.

United States v. *Koss*, 506 F.2d 1103 (2d Cir. 1974); *United States* v. *Tramunti*, 500 F.2d 1334 (2d Cir.), *cert. denied*, 419 U.S. 1079 (1974); *United States* v. *Floyd*, 496 F.2d 982 (2d Cir. 1974); *United States* v. *Slutsky*, 487 F.2d 832 (2d Cir. 1973), *cert. denied*, 416 U.S. 937 (1974); *United States* v. *Tortorello*, 480 F.2d 764 (2d Cir.), *cert. denied*, 414 U.S. 866 (1973); *United States* v. *McCarthy*, 473 F.2d 300 (2d Cir. 1972).

Williams' testimony alone is enough to sustain Skipwith's conviction. Immediately after the excerpt relied upon by Skipwith (Brief at 10), the record reveals that the Court questioned Williams and fixed the time reference—and Williams' ties to Skipwith—for the balance of his testimony. In response to the Court's interrogation, and notwithstanding his earlier passing references to other nearby towns, Williams unequivocally testified that he was the "boss" of Skipwith's gambling business during 1970 and 1971—a period well in excess of the required thirty days. His explanation of his responsibilites as the "boss", which involved his daily collection of betting slips and moneys from his writers, his practice of consulting with Skipwith before payments on large winning bets were made, and, of course, his $300 weekly salary from Skipwith established the relationship between the two men just as certainly (A118-120, 123-124). Moreover, using his last arrest in 1971 as a reference point,* Williams flatly asserted that at least seven writers were turning their records into him at that time and that Griffin, Wilkins and Davis were among them (A120-121).

Corroboration of Williams' testimony was provided by four of the other gambler-witnesses despite their lack of enthusiasm in doing so. Wilkins, as conceded by Skipwith,

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* By stipulation, it was established that this occurred on February 4, 1971, *supra*, p. 3, n. 2.

was clearly associated with Williams in the operation for the three months prior to February, 1971 (A67). Similarly, Griffin established the contemporaneous aspect of his gambling association when he testified that he was delivering his betting records and moneys to Williams in 1970 and 1971 (A86). And Davis, despite his manifest reluctance, amply provided a basis for the jury to infer that his relationship with Williams was simultaneous to the others by his grudging acknowledgements that he had been turning his betting records over to Williams when he was arrested in Williams' home on February 4, 1971, and that during 1970 and 1971 the amount of his earnings as a numbers writer was determined by Williams (A43, 46). Finally, Allen's testimony established that he too participated in Skipwith's gambling operation during January and February, 1971, at the very least. Allen, though unclear of the precise date, testified that he returned to numbers writing for Skipwith in 1970, shortly after he opened his grocery store (A6-11, 15, 24), that Williams was the man he met in order to resume his gambling activity (A27) and that it was Williams who set his commission (A16).* In addition, Allen turned in his work to Griffin, whom Williams testified that he supervised.

Further evidence to refute the claim now made was provided by Skipwith's gambling conviction and the gambling records seized in May, 1972, from Skipwith and others and discussed in Point I, *supra*.

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* Williams was quite clear in his testimony that he worked for Skipwith until his arrest in February, 1971.

CONCLUSION

The judgment of conviction should be affirmed.

Respectfully submitted,

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AFFIDAVIT OF MAILING

State of New York)
County of New York) ss.:
Southern District of New York)

June H. Dobson deposes and says that she is employed in the office of the Joint Strike Force for the Southern District of New York.

That on the 21st day of July, 1975 she served a copy of the within brief U.S. v. Skipwith by placing the same in a properly postpaid franked enveloped addressed:

Seymour Greenblatt, Esq.
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Newburgh, New York 12550

And deponent further says that she sealed the said envelope and placed the same in the mail chute drop for mailing in the United States Courthouse, Foley Square, Borough of Manhattan, City of New York.

June H. Dobson

Sworn to before me this

21st day of July 1975

Carl M. Bornstein

CARL M. BORNSTEIN
Notary Public, State of New York
No. 31-0359368
Qualified in New York County
Commission Expires March 30, 19.....